

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**BRUCE M. LYLES,**

**Plaintiff,**

**v.**

**Case No. 2:12-cv-00751  
JUDGE GREGORY L. FROST  
Magistrate Judge Elizabeth P. Deavers**

**CAPITAL - EMI MUSIC INC., *et al.*,**

**Defendants.**

**ORDER**

This matter is before the Court on Plaintiff's objections (ECF No. 56) to the Report and Recommendation of the Magistrate Judge (ECF No. 52). The Magistrate Judge recommended that Defendant David Guetta be dismissed from this action for Plaintiff's failure to effect service of process within 120 days of the complaint's filing in this case.

Plaintiff's objection does not take issue with the Magistrate Judge's determination that he has failed to comply with Fed. R. Civ. P. 4(m) (requiring service of the complaint within 120 days of its filing). Nor does Plaintiff object to the Magistrate Judge's determination that Plaintiff failed to comply with a previous order directing him to provide a copy of the complaint, a completed U.S. Marshal service form, and a summons for Defendant Guetta. (ECF No. 18.) Plaintiff's only attempt to demonstrate good cause for his failure to effect service upon Defendant Guetta is by informing the Court of his inability to find a valid service address or legal representative for Guetta despite Plaintiff devoting "research time" to this task. (ECF No. 56, PageID# 400.) Plaintiff tries to shift the responsibility of locating an address for service on

Defendant Guetta, asking “Can not the court summons [sic] legal representative addresses such as for David Guetta from Capital-EMI?” (*Id.*)

Plaintiff’s objection is not well taken. It is not the Court’s responsibility to ascertain service addresses for persons named as defendants in civil actions. The Federal Rules of Civil Procedure place that responsibility on the plaintiff. *See* Fed. R. Civ. P. 4(c)(1) (“The plaintiff is responsible for having the summons and complaint served within the time allowed by Rule 4(m) and must furnish the necessary copies to the person who makes service.”).

For the foregoing reasons, the Court **OVERRULES** Plaintiff’s objections (ECF No. 56) and **ADOPTS** the Magistrate Judge’s Report and Recommendation (ECF No. 52). Accordingly, the Court **DISMISSES** Defendant Guetta from this action **WITHOUT PREJUDICE** pursuant to Fed. R. Civ. P. 4(m) for failure to timely effect service of process.

**IT IS SO ORDERED.**

/s/ Gregory L. Frost  
GREGORY L. FROST  
UNITED STATES DISTRICT JUDGE